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PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte WILLIAM P. STEARNS and NOZAR HASSANZADEH

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Application 09/678,318

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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On June 18, 2003, applicants filed a timely Reply Brief  
(Paper No. 19).

In accordance with the revision effective December 1, 1997,  
Title 37, Code of Federal Regulations, §1.193 states:

(b)(1)... The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

In view of this revision, the examiner must reopen prosecution in order to respond to the Reply Brief (Paper No. 19). Otherwise, if the examiner chooses not to respond to the arguments presented in the Reply Brief, the examiner needs to acknowledge receipt and entry of the Reply Brief.

Application 09/678,318

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for consideration and proper response of the Reply Brief and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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